

AMENDED IN SENATE MAY 15, 2007

AMENDED IN SENATE APRIL 30, 2007

AMENDED IN SENATE APRIL 18, 2007

AMENDED IN SENATE APRIL 9, 2007

## SENATE BILL

**No. 884**

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### Introduced by Senator Lowenthal

February 23, 2007

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An act to add ~~Section 30327.5~~ *Sections 30327.5 and 30327.6* to the Public Resources Code, relating to coastal resources.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 884, as amended, Lowenthal. California Coastal Commission: gift or gratuity.

The California Coastal Act of 1976 prohibits a commission member or alternate from making, participating in making, or in any other way attempting to use his or her official position to influence a commission decision about which the member or alternate has knowingly had an ex parte communication, and which has not been reported as required by the act.

This bill would prohibit ~~a commission~~ *an interested person* from giving, conveying, or making available a gratuity valued at more than \$5 to a commissioner or a member of the commission's staff. A commissioner or member of the commission's staff is prohibited from accepting a gift or any form of gratuity from an applicant for approval of a coastal development permit, a person hired by an applicant regarding any business before the commission, a business partner of an applicant, or a person who has any business before the commission interested person. A ~~commission~~ *commissioner*, member of the

*commission's staff, or interested person who violates this prohibition in addition to any other applicable penalty would be subject to a civil fine, not to exceed \$500 for each violation. A person who for compensation attempts to influence or affect the outcome of a commission decision or action and who violates this prohibition, in addition to any other applicable penalty, may be barred from any activity seeking to influence or affect the outcome of a commission decision or action for up to one year from the date of the finding of the violation.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 30327.5 is added to the Public Resources*  
2     *Code, to read:*  
3     *30327.5. (a) An interested person shall not give, convey, or*  
4     *make available a gratuity valued at more than five dollars (\$5) to*  
5     *a commissioner or a member of the commission's staff.*  
6     *(b) A commissioner or member of the commission's staff shall*  
7     *not accept a gratuity from an interested person.*  
8     *(c) For the purposes of this section, "interested person" includes*  
9     *an individual, business entity, corporation, public agency,*  
10    *nongovernmental or nonprofit organization, and a legally*  
11    *constituted club, association, or other organization that*  
12    *communicates with a commissioner or intends to influence the*  
13    *decision of a commissioner on a matter in connection with a*  
14    *proceeding that may come before the commission.*  
15    *(d) For the purposes of this section, "gratuity" does not include*  
16    *costs associated with the provision of evidentiary material provided*  
17    *to the commission and its staff, an educational or training activity*  
18    *that has received prior approval from the commission, a field trip*  
19    *or site inspection that is made available on equal terms and*  
20    *conditions to all commissioners and appropriate staff, a reception*  
21    *or purely social event that is not offered in connection with or is*  
22    *not intended to influence a decision or action of the commission*  
23    *and that is open to all commissioners, members of the staff, and*  
24    *members of the public and press.*  
25    *SEC. 2. Section 30327.6 is added to the Public Resources Code,*  
26    *to read:*

1 30327.6. (a) A person who for compensation attempts to  
2 influence or affect the outcome of a commission decision or action  
3 and who violates Section 30327.5 may, in addition to any other  
4 applicable penalty, be barred from any activity seeking to influence  
5 or affect the outcome of a commission decision or action for a  
6 period of up to one year from the date of the finding of the  
7 violation. Each violation shall be grounds for the person being  
8 barred from any activity seeking to influence or affect a commission  
9 decision or action for an additional year from the date of  
10 conviction.

11 (b) A person who violates Section 30327.5 shall, in addition to  
12 any other applicable penalty, be subject to a civil fine not to exceed  
13 five hundred dollars (\$500) for each violation.

14 ~~SECTION 1. Section 30327.5 is added to the Public Resources~~  
15 ~~Code, to read:~~

16 ~~30327.5. (a) A commission member shall not accept a gift or~~  
17 ~~any form of gratuity from an applicant for approval of a coastal~~  
18 ~~development permit, a person hired by an applicant regarding any~~  
19 ~~business before the commission, a business partner of an applicant,~~  
20 ~~or a person who has any business before the commission.~~

21 ~~(b) In addition to any other applicable penalty, a commission~~  
22 ~~member who violates subdivision (a) shall be subject to a civil~~  
23 ~~fine, not to exceed five hundred dollars (\$500) for each violation.~~